

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners


DATE: (Second Reading 6-7-16)

March 8, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance creating section 21-51
of the Code prohibiting the
aiming of a laser pointer at an
aircraft or manned police vehicle;
amending section 8CC-10 of the
Code providing for penalties for
aiming a laser pointer at an
aircraft or manned police vehicle

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Jose "Pepe" Diaz, Commissioner Audrey A. Edmonson, Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney



APW/cp

Memorandum



Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Fiscal Impact Statement for Ordinance Creating Section 21-51 of the Code prohibiting the aiming of a Laser Pointer at an Aircraft or Manned Police Vehicle

The proposed ordinance creates section 21-51 of the Code of Miami-Dade County prohibiting the aiming of laser pointer at an aircraft or manned police vehicle, and amending section 8CC-10 of code providing for penalties. The proposed ordinance will provide for the ability to impose a fine on persons who violate the provisions of this section. Implementation of this ordinance creates a new civil penalty which may have a positive fiscal impact to the County but is difficult to determine at this time.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

Jack Osterholt
Deputy Mayor


Fis04816 160391

Memorandum



Date: June 7, 2016

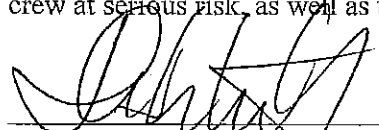
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement - Ordinance Creating Section 21-51 of the Code of Miami-Dade County, Florida, Prohibiting the Aiming of a Laser Pointer at an Aircraft or Manned Police Vehicle

The proposed ordinance will enhance the safety of the public by prohibiting the use of laser pointers aimed at an aircraft or manned police vehicle.

If adopted by the Board of County Commissioners, this ordinance will impact citizens who own laser pointers in that it limits the areas in which they can operate. The use of laser pointers is a matter of public safety. Aiming lasers at aircrafts puts aircraft passengers and crew at serious risk, as well as those citizens, visitors, and structures on land.



Jack Osterholt, Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
6-7-16

ORDINANCE NO. _____

ORDINANCE CREATING SECTION 21-51 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROHIBITING THE AIMING OF A LASER POINTER AT AN AIRCRAFT OR MANNED POLICE VEHICLE; AMENDING SECTION 8CC-10 OF THE CODE PROVIDING FOR PENALTIES FOR AIMING A LASER POINTER AT AN AIRCRAFT OR MANNED POLICE VEHICLE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, laser pointers are devices designed to highlight something of interest by illuminating it with a small bright spot, and are most commonly used by people during audio visual presentations; and

WHEREAS, laser pointers are easy to obtain and have variable power levels depending on the use for which it was designed; and

WHEREAS, aiming or pointing a laser pointer at an aircraft or manned police vehicle jeopardizes the safety of the operators, passengers and the public, and may result in catastrophic consequences; and

WHEREAS, there has been an escalation of extremely dangerous practices involving laser pointers which have compromised the safety of the aviation industry and law enforcement in Miami-Dade County and around the nation; and

WHEREAS, the Federal Bureau of Investigation has reported that there have been 141 arrests, 107 prosecutions and 84 convictions related to individuals aiming laser pointers at aircraft since 2004; and

WHEREAS, laser reports have increased dramatically from fewer than 300 laser attacks reported in 2005 to 4,000 attacks in 2013, an increase of more than 1000 percent; and

WHEREAS, lasers distract aircraft and vehicle operators, can lead to temporary blindness and in some cases permanent retinal damage, and can impair the operator's ability to control the aircraft or vehicle,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-51 of the Code of Miami-Dade County, Florida, is hereby created as follows:

>>Section 21-51 - Prohibition on Aiming a Laser Pointer at an Aircraft or Manned Police Vehicle.

1. Purpose.

The purpose of this ordinance is to prevent laser-induced accidents and to enhance aviation and police officer safety, and shall be read broadly in light of that purpose.

2. Definitions.

(a) Aircraft means any contrivance intended for and capable of transporting persons through airspace.

(b) Laser pointer means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam that is designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

3. Prohibition on Aiming a Laser Pointer at an Aircraft.

It is unlawful for any person to knowingly aim, shine, point, or focus the beam of a laser pointer on an aircraft on the ground or in flight.

4. Prohibition on Aiming a Laser Pointer at a Manned Police Vehicle.

It is unlawful for any person to knowingly aim, shine, point, or focus the beam of a laser pointer at a police officer, or a motor vehicle, vessel, or aircraft operated by a police officer, when such police officer is acting within the scope of his or her official duties.

5. Penalties.

Persons who violate the provisions of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in Section 8CC of the Code of Miami-Dade County and to any other such enforcement proceedings as may be provided by law.<<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 8CC-10. Schedule Of Civil Penalties.

* * *

Code Section	Description of Violation	Civil Penalty
* * *		
>>21-51<<	>> <u>Aiming a laser pointer at an aircraft or manned police vehicle.</u> <<	>> <u>\$1000.00</u> <<

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

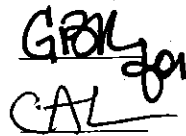
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Cynji A. Lee

The image shows a handwritten signature in black ink. The signature appears to be 'Cynji A. Lee' written in a stylized, cursive script. The first part of the signature is larger and more prominent, with the last name 'Lee' written in a smaller, more legible script below it.

Prime Sponsor:	Commissioner Barbara J. Jordan
Co-Sponsors:	Commissioner Jose "Pepe" Diaz
	Commissioner Audrey A. Edmonson
	Commissioner Sally A. Heyman
	Commissioner Rebeca Sosa